

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. During the petitioner's Food Stamp review in July of this year, the Department discovered an error in the amount of excess shelter expenses it had been allowing the petitioner. In particular, the Department discovered that it had been allowing the petitioner an expense for homeowners insurance of \$300 per month when, in fact, \$300 is the yearly amount the petitioner pays for insurance. This resulted in a drastic reduction in the amount the petitioner receives as a deduction from his income for excess shelter costs (i.e., the amount he spends on monthly shelter expenses in excess of 50% of his net

income, see infra). This resulted further in a finding that the petitioner had an increase in his net countable income. The Department notified the petitioner that as a result of these changes as of October 1, 2001 his Food Stamp benefits would go down from \$131 to \$49 per month.

3. The petitioner agrees with all of the amounts the Department is now using for his shelter deductions, and does not dispute that his net Food Stamp income (after a standard deduction of \$134, see infra) is \$972. At the hearing (held on October 3, 2001) the petitioner was informed that he can also claim as a medical expense deduction the costs he incurs in driving family members to medical appointments. The Department agreed to review these expenses in determining the petitioner's ongoing Food Stamp allotment.

ORDER

The decision of the Department to reduce the petitioner's Food Stamps to \$49 per month is affirmed.

REASONS

A Food Stamp recipient is eligible for a "household shelter deduction" for the "[m]onthly shelter costs in excess of 50% of the household's income after all other deductions . . . have been allowed. F.S.M. 273.9(d)(5)(i). The only other deduction from income for which the petitioner qualifies (pending any decision on any deduction for his medical transportation costs, see supra) is a standard deduction of \$134 a month. F.S.M. 273.9(d)(1). Under the Department's regulations, a three-person household with \$972 in countable income is eligible for \$49 in Food Stamp benefits. F.S.M. 273.10(a), Procedures 2590D(8). As the Department's decision is in accord with its regulations, the Board is bound to affirm the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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